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July 12, 1999

**BY HAND**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RECEIVED  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Request for Declaratory Ruling and Petition for Rule Making  
Of The Fixed Wireless Communications Coalition (RM-9649)**

Dear Ms. Salas:

This letter responds to the Commission's June 11, 1999 *Public Notice* (Report No. 2334) concerning the above-referenced Petition of the Fixed Wireless Communications Coalition ("FWCC"). The FWCC Petition requests that the Commission adopt via either declaratory ruling or rulemaking new standards for operation of fixed-satellite service earth stations. These proposals are ill-advised, and should be rejected by the Commission without further action.

McKibben Communications Corporation provides global television program origination and distribution services, worldwide voice and data transport, and on-going management and consulting services to private networks, direct-to-home satellite operators and cable service providers. Its principals have been involved in the satellite services industry for more than two decades. The company currently holds FCC licensees for several FSS earth stations, and has recently begun providing duplex, high-speed data links between the U.S. and multiple VSAT terminals throughout the Pacific Ocean Region via a facility located at its headquarters in Chatsworth, California. Accordingly, it has a strong interest in continued efficient operation of satellite earth station facilities in the C- and Ku-bands.

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McKibben has had an opportunity to review the Opposition to the FWCC Petition that is to be filed today by the Satellite Industry Association ("SIA"). McKibben agrees with SIA that the Petition fails to consider the inherent operational differences between satellite earth stations and terrestrial microwave facilities. Merely identifying a difference in the regulatory approach taken with respect to two distinct services is not sufficient to justify a change in the Commission's Rules.

McKibben is headquartered in Los Angeles County, one of the most "frequency-congested" markets in the United States. Frequency-coordination and long-term protection from future sources of harmful interference are vital to our ability to grow our business. The company is in the midst of a multi-million dollar expansion of facilities including the addition of several large-aperture satellite antennae. The entire investment that McKibben is making in its facilities is at risk should the Commission agree to adopt the rules being proposed by the FWCC.

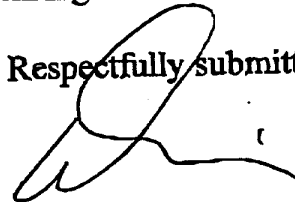
Based on significant experience in the satellite industry over a long period of time, McKibben can attest that flexibility is a fundamental requirement for viable operation. A satellite earth station cannot be assigned to a single frequency or set of frequencies within the allocated band because the satellites and frequencies they use are dictated by customer needs and the transponder assignments they receive from space station operators. Each earth station must have the ability to switch from one channel to another based on the transponder availability on the satellite to which it desires to transmit at a given time. For this reason, the FWCC proposal to restrict FSS earth stations to specific frequencies and impose specific loading standards is unworkable.

For example, the widely-publicized catastrophic failure of the Galaxy 4 satellite in May, 1998, dramatically underscored the need for flexibility in earth station pointing and frequency assignments. In addition to being used by a large number of television and radio broadcasters, Galaxy 4 carried traffic for a disproportionate number of nationwide paging systems serving every corner of North America. To restore service, thousands of C-Band earth stations had to be repositioned and tuned to new frequencies. The consumers directly affected by this event numbered in the millions. The response from the satellite industry as a whole during this crisis was commendable. Most services were restored within the first 24-hours. Earth station operators were able to quickly reconfigure their uplink and downlink systems. The negative impact of this disaster was greatly mitigated by the ability of the satellite industry to solve the problems without having to deal with frequency assignment restrictions on an earth-station-by-earth-station basis. Clearly, had the onerous rules now being proposed by the FWCC been in place during the Galaxy 4 crisis, the public interest and safety of the citizens of this country would have been severely compromised.

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Accordingly, for the foregoing reasons as well as those articulated by SLA in its filing, McKibben strongly urges the Commission to reject the FWCC Petition as inconsistent with the public interest and the sound approach to FSS frequency utilization that has existed since the Commission began licensing satellite earth stations.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'W. Mark McKibben', written over a horizontal line.

W. Mark McKibben  
Chairman

cc: Mr. Jack Keating